

UNITED STATES OF AMERICA,)	CASE NO. 14-CV-2071 YGR
)	
Plaintiff,)	ORDER APPOINTING INDEPENDENT FIDUCIARY
)	
v.)	
)	
BURTON ORVILLE BENSON.)	
)	
Defendant.)	
)	
)	
)	

Plaintiff's Motion also requested appointment of an Independent Fiduciary to replace Defendant as trustee of the Plan. On May 16, 2014, Plaintiff and Intervenor Bryan Leyda submitted proposed candidates to serve as trustee and independent fiduciary upon Defendant's resignation for the Court's consideration.

Having considered Plaintiff and Intervenor's proposals, and additional information concerning the qualification of the proposed appointees, and for good cause shown, **IT IS HEREBY ORDERED** that:

ORDER APPOINTING INDEPENDENT FIDUCIARY
CASE NO. 14-CV-2071 YGR

1 custody or control of the Plan and Plan Participants. Nicholas Saakvitne is appointed as trustee,
2 independent fiduciary, and plan administrator of the ERG Profit Sharing Plan pursuant to the terms set
3 forth in the Preliminary Injunction and in the “Energy, Research, and Generation, Inc. Profit Sharing
4 Plan Fiduciary Services Agreement tendered by Nicholas L. Saakvitne,” attached hereto as **EXHIBIT A**
5 (“the Agreement”). The Agreement, including all terms and provisions thereof, is approved by the
6 Court.

7 2. In addition, David Lipkin of Metro Benefits shall work in conjunction with Mr. Saakvitne
8 to carry out the rights, powers, authority, and obligations set forth in the Preliminary Injunction, and in
9 particular shall conduct a forensic accounting analysis.

10 3. Mr. Saakvitne shall confer with Mr. Lipkin forthwith to outline an approach for
11 proceeding with the forensic analysis, and shall confer telephonically with the Court within two weeks
12 to discuss the same.

13 **IT IS SO ORDERED.**

14
15 Dated: May 27, 2014



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

EXHIBIT A